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SERVICE DATE – OCTOBER 3, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 43 (Sub-No. 154X)

ILLINOIS CENTRAL RAILROAD COMPANY—ABANDONMENT EXEMPTION—  
IN ST. TAMMANY PARISH, LA.

Decided: October 2, 2017

By decision served on July 2, 1992 (July 1992 Decision), the Board's predecessor, the Interstate Commerce Commission, under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903, the abandonment by Illinois Central Railroad Company (IC) of a 29.14-mile rail line between milepost 38.25 near Colt and milepost 67.39 near Covington in St. Tammany Parish, La. (the Line). The exemption became effective on August 3, 1992.

The July 1992 Decision also imposed employee protective conditions; a historic preservation condition under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 30618; a condition requiring St. Tammany Parish Policy Jury (now known as the St. Tammany Parish Government) (STPG) to consult with the U.S. Fish and Wildlife Service concerning the removal of pine trees; and a 180-day public use condition (which has expired). The Section 106 condition requires IC to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the Line that are 50 years old or older until completion of the Section 106 process of the NHPA.

By decision and notice of interim trail use or abandonment (NITU) served on October 27, 1992, the proceeding was reopened and a 180-day period was authorized for STPG to negotiate with IC for acquisition of the Line for use as a trail under the National Trails System Act, 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29. On December 30, 1992, IC and STPG executed a contract for sale and railbanking agreement in which IC conveyed all of its interest in the Line to St. Tammany Parish. STPG created a recreational trail on the corridor, now known as the Tammany Trace.

In a petition filed on July 13, 2017, STPG asked the Board to partially vacate the NITU so that the abandonment could be consummated on a portion of the Line, which would allow the State of Louisiana, Department of Transportation and Development to construct new bridge spans and road improvements in the area. By decision served August 11, 2017 (August 2017 Decision), the proceeding was reopened and the Board granted the request of STPG to issue a replacement NITU applicable to the portion of the Line between milepost 38.25 and milepost 65. The decision stated that IC may fully abandon the 2.39-mile segment of the Line between

milepost 65 near Claiborne Hill and milepost 67.39 in Covington, subject to any outstanding conditions, including the Section 106 condition.<sup>1</sup>

In a supplemental final environmental assessment dated September 14, 2017, the Board's Office of Environmental Analysis (OEA) states that STPG would like IC to consummate the abandonment of the 2.39-mile segment of the Line between milepost 65 and milepost 67.39 to support the road improvement project. OEA states that STPG has consulted with the Louisiana Division of Historic Preservation (SHPO) regarding impacts to historic resources located on the segment. The SHPO has no objections to abandonment of the segment and concurred with the determination that no known historic properties would be affected. Accordingly, OEA recommends that the Board modify the Section 106 condition to remove the 2.39-mile segment from the condition. Therefore, this proceeding will be reopened and the previously imposed condition will be modified as follows:<sup>2</sup> IC will be required to: (a) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places from milepost 38.25 to milepost 65 until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed; (b) report back to OEA regarding any consultations with the SHPO and the public; and (c) not file a consummation notice, or initiate any salvage activities, with respect to the portion of the Line between milepost 38.25 and milepost 65 (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition. Given this modification of the Section 106 condition, no barriers to consummation remain as to the 2.39-mile segment of the Line between milepost 65 and milepost 67.39.

This action will not significantly impact the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The Section 106 historic preservation condition imposed in the July 1992 Decision is modified to read as follows. IC shall: (a) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within

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<sup>1</sup> Ordering paragraph six of the August 2017 Decision stated that "STPG may fully abandon the remaining portion of the line between milepost 65 and 67.39, subject to any outstanding conditions, including the section 106 condition." The paragraph should have referred to IC rather STPG.

<sup>2</sup> OEA notes that its recommended modified Section 106 condition also updates the condition to current OEA language.

the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places from milepost 38.25 to milepost 65 until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed; (b) report back to OEA regarding any consultations with the SHPO and the public; and (c) not file a consummation notice, or initiate any salvage activities, with respect to the portion of the Line between milepost 38.25 and milepost 65 (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

3. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.